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RR RUEHWEB

DE RUEHNR #4048/01 2610910
ZNR UUUUU ZZH
R 180910Z SEP 06
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC 4359
INFO RUCPDOG/USDOC WASHDC 2835
RUEATRS/DEPT OF TREASURY WASHDC
RUEHRC/USDA FAS WASHDC 1329
RUEHXR/RWANDA COLLECTIVE

UNCLAS NAIROBI 004048

SIPDIS

SENSITIVE

STATE PASS USTR WILLIAM JACKSON

STATE PLEASE PASS TO USAID

USDOC FOR NOAA AND NMFS

DEPT FOR AF/E, AF/RA, AF/EPS, OES/OMC CLAYTON STANGER

TREASURY FOR OREN WHYCHE-SHAW

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: [EFIS](#) [SENV](#) [ECON](#) [ETRD](#) [KE](#)

SUBJECT: KENYA SUSPENDS EXPERIMENTAL SHRIMP TRAWLER OPERATIONS
PENDING RELEASE OF ENVIRONMENTAL IMPACT STUDY

REFS: (A) 09/08/06 STANGER-FLEITMAN/ALDRIDGE EMAIL
(B) 08/14/06 STANGER-FLEITMAN EMAIL

(U) Sensitive but unclassified. Please protect accordingly.

¶1. (SBU) Summary: Kenya has temporarily suspended experimental trawler operations pending a September 21 stakeholders' meeting, when an environmental impact statement on the effects of trawling for shrimp within three to five nautical miles is to be released. The decision to suspend, rather than ban, trawler operations has spawned negative reactions from small scale fishermen and environmentalists, who claim that the trawlers deplete fish stocks, wreck the coastline, and damage fishing nets and gear. Should the study determine that trawling can be adequately monitored and the coastline protected, the government may try to amend the Fisheries Act of 1991 to allow commercial fishing within three nautical miles, but the issue may become politically controversial. Licensed shrimp boats will continue to be required to use turtle excluder devices (TEDs), and the GOK would likely welcome US inspection teams to verify their use. End Summary.

Commercial Trawler Operations Not Suspended

¶2. (SBU) EconOff and Econ Specialist met with Kenya Fisheries Department Deputy Director Mathias Wafula on September 12 to discuss contentious press reports on shrimp trawlers and the possibility of a TEDs inspector visit by State/OES. Wafula dismissed media reports that Kenyan Minister of Livestock and Fisheries Development Joseph Munyao had suspended trawler operations on August 24 in response to vehement complaints from local fishermen and environmentalists that the trawlers were depleting fish stocks, dredging near the coastline in violation of a Kenyan regulation prohibiting commercial fishing less than five nautical miles from shore, and damaging fishing nets, boats, and other gear.

¶3. (SBU) Wafula explained that the four Kenyan trawlers were part of a two-year government study to determine the environmental impact of allowing trawler activities within three to five nautical miles

of the shoreline. The supervised experimental trawling took place near the Sabaki River delta which empties into Malindi Bay and where the Tana River enters Kipini Bay. The Fisheries Department undertook the study after domestic shrimp exporters complained the five nautical mile limit made shrimp trawling unprofitable. During the two-year study period, the trawlers' catch in the Sabaki River and Tana River estuaries generated over USD 5.3 million a year in exports (i.e., 8.6 percent of the country's annual USD 61.4 million in fish exports).

¶4. (SBU) Wafula stated the government permitted the trawlers to operate between three-to-five nautical miles to determine whether sustainable trawling for shrimp could be achieved without damaging the environment and ruining small-scale fishing. He claimed that marine biologists and Fisheries Department officers were present on each trawler. In addition, the ships were fitted with "Vessel Monitoring Systems" (VMS), which enabled the Fisheries Department to monitor their movements and activities. Asked whether the ships used TEDs, Wafula responded that he personally insisted that they do so.

¶5. (SBU) Wafula said the study's findings would be released at a September 21, 2006 stakeholders' meeting in Malindi. Stakeholders include the Fisheries Department, the Kenya Marine and Fisheries Research Institute (KEMFRI), the Kenya Marine Forum, the Kenya Wildlife Service, the Marine Conservation and Fisheries Development Center, the Association of Trawler Operators, the Coastal Development Authority, Watamu Turtle Watch, marine environmentalists, and small-scale fishermen. According to Wafula, should the study determine that shallow water shrimp trawling can be adequately monitored and the coastline protected, the government is prepared to amend the Fisheries Act of 1991 to allow commercial fishing within three nautical miles of shore. Any amendment would insist on the use of TEDs. In the event trawling is permitted, Kenya would welcome TEDs inspections conducted by State and NOAA

investigators. Should the findings argue against the three-nautical mile limit, Wafula believes, Kenya will maintain its five-nautical mile limit and will likely not issue any new commercial licenses. Either way, the GOK also intends to establish "Beach Management Units" to protect the coastal environment and the livelihoods of the country's small-scale fishermen, who net about 175,000 metric tons per annum and rely on their catch for their livelihoods.

Tuna Trawlers A Bigger Concern to GOK

¶6. (SBU) In contrast to the heightened attention paid to the shrimp trawlers, Wafula suggested that more focus ought to be given to the fifty foreign vessels catching tuna in Kenya's and Somalia's 200-nautical mile exclusive economic zone. Broadly hinting that several "long-liners" might be doing more than simply catching fish, Wafula said increased surveillance of deep sea ships near the Kenya-Somalia maritime border is needed. Since there is no Somali government to monitor them, Wafula appealed to the USG to help Kenya fit the ships with VMS's "so we can keep track of their activities."

He noted that in July 2006, the European Union and the Food and Agricultural Organization vowed to help Kenya and several other Indian Ocean nations develop deep sea surveillance capabilities as part of an agreement, the "Southern Indian Ocean Fisheries Agreement," signed with the Southern Indian Ocean Deepwater Fishers' Association.

¶7. (U) Kenya's oversight of deep sea fishing will also rely, in part, on a \$44 million World Bank/UNDP-Global Environment Facility-sponsored study to be commissioned in Mombasa in November 2006. Entitled the "South West Indian Ocean Fisheries Project," it aims to assess the health of fish stocks in the waters of Kenya, Tanzania, Mozambique, the Comoros, Seychelles, South Africa, Mauritius, and Reunion. KEMFRI will serve as project coordinator. In early September KEMFRI executive director Dr. Johnson Kazungu told the press that "the findings of the study would enable us to advise the government on how it should review license fees for fishing vessels and how (deep) sea fishing should be done" and regulated. Kenyan media also quoted the coordinator of the Seaman Assistance Program, Andrew Mwangura, demanding that government put a stop to the considerable illegal fishing going on in the EEZ. Once

a proper monitoring regime is in place, the GOK intends to re-license the deep sea trawlers - but for a much stiffer fee. At present a foreign deep sea trawler pays an annual fee of USD 20,000, which Wafula expects to be increased to \$100,000.

18. (SBU) Comment: Kenya's coastal villages are among the poorest, most marginalized in the country, with minimal infrastructure or government services. They are also largely Muslim and regard the GOK's neglect as purposeful marginalization. If Fisheries allows the trawlers to continue to fish in the three-to-five nautical mile zone, the fishermen, their villages, and perhaps their MPs are likely to reject the study as corrupt and react strongly to a perceived threat to their livelihood. Thus, the decision on trawling closer to shore is likely to become politically controversial and depend on non-technical factors.

19. (U) Judging from the various initiatives touched upon by the Kenyan Fisheries Department Deputy Director, it is clear that Fisheries wants to help small-scale coastal fishermen and commercial fish exporters exploit Kenya's fish resources more effectively - but in a way which does not do irreparable harm to the coast or severely deplete fish stocks. Kenya is open to USG assistance in this balancing act and would benefit from the expertise NOAA and OES/OMC officials could offer to both naturalists and fishermen. End Comment.

Ranneberger